

## TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally, or in writing, relative to the action proposed at a hearing to be held at the Kensington Park Hotel, 450 Post Street, Sherwood Room, San Francisco, CA 94102-1592 on November 15, 2004, at 1:00 p.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on November 15, 2004, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the action substantially as described below or may modify such action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the action.

Authority and Reference: Pursuant to the authority vested by sections 2570.3 and 2570.20 of the Business and Professions Code, and to implement, interpret or make specific section 2570.4(d) of the Business and Professions Code, the Board is considering revising Division 39, Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law sets forth the requirements for licensure as an occupational therapist and certification as an occupational therapist in California. The law also provides an exemption to the licensing/certification requirements for practitioners licensed in other jurisdictions that have licensing requirements at least as stringent as California's so long as the practitioner works in association with an occupational therapist licensed by the Board and works no more than 45 days in a calendar year. The proposed regulation interprets, defines and makes specific the conditions under which a practitioner would be exempt from California licensing/certification requirements.

Section 4124: This proposed regulation would define "calendar year" as a single calendar year and "day" as any portion of a day. It would require the practitioner to work under the supervision of an occupational therapist licensed by the Board. Finally, it would clarify that for another jurisdiction to be considered as having licensure requirements at least as stringent as California's, the education and examination requirements must be the same as California's and the practitioner must have had a criminal background check conducted as a condition of licensure.

## FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the adoption of this regulation would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

### **AND**

The following studies/relevant data were relied upon in making the above determination:  
None

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will:

Eliminate the following types of jobs: None.

Create the following types of businesses: None.

Expand the following types of businesses: None.

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or the elimination of existing businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that is known to the Board is:

None

Effect on Housing Costs: None

## EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the regulations do not regulate small businesses, require reports or any other compliance activities.

## CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Board of Occupational Therapy, 444 North Third Street, Suite 410, Sacramento, California 95814.

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

Once it has been prepared, a copy of the final statement of reasons may be obtained by making a written request to the contact person named below or by accessing the Board's website.

## CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Janet Yagi  
California Board of Occupational Therapy  
444 North Third Street, Suite 410  
Sacramento, CA 95814  
(916) 322-3278; (916) 445-6167 (FAX)  
[Janet\\_Yagi@dca.ca.gov](mailto:Janet_Yagi@dca.ca.gov)

The backup contact person is:

Jeff Hanson  
California Board of Occupational Therapy  
444 North Third Street, Suite 410  
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Website Access: Materials regarding this proposal can be found at [www.bot.ca.gov](http://www.bot.ca.gov).